

103

NOMINATION

Y 4.L 11/4: S. HRG. 103-403

Nomination, S.Hrg. 103-403, 103-1 H...

HEARING

OF THE

COMMITTEE ON

LABOR AND HUMAN RESOURCES

UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

HULETT HALL ASKEW, OF GEORGIA, LAVEEDA MORGAN BATTLE, OF ALABAMA, JOHN G. BROOKS, OF MASSACHUSETTS, NANCY HARDIN ROGERS, OF OHIO, DOUGLAS S. EAKELEY, OF NEW JERSEY, F. WILLIAM McALPIN, OF MISSOURI, MARIA LOUISA MERCADO, OF TEXAS, THOMAS F. SMEGAL, JR., OF CALIFORNIA, JOHN T. BRODERICK, JR., OF NEW HAMPSHIRE, EDNA FAIRBANKS-WILLIAMS, OF VERMONT, AND ERNESTINE P. WATLINGTON, OF PENNSYLVANIA TO BE MEMBERS OF THE BOARD OF DIRECTORS

SEPTEMBER 24, 1993

Printed for the use of the Committee on Labor and Human Resources



U.S. GOVERNMENT PRINTING OFFICE
DEPARTMENT OF COMMERCE
NOV 2 1994
BOSTON PUBLIC LIBRARY
U.S. GOVERNMENT PRINTING OFFICE

U.S. GOVERNMENT PRINTING OFFICE

76-165 CC

WASHINGTON : 1994

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-045865-X

NOMINATION

Y 4.L 11/4:S. HRG. 103-403

Nomination, S.Hrg. 103-403, 103-1 H...

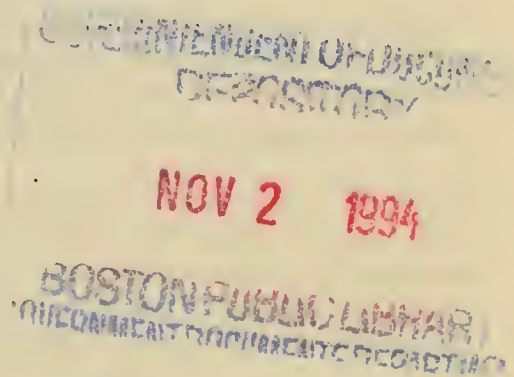
HEARING OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE ONE HUNDRED THIRD CONGRESS FIRST SESSION

ON

HULETT HALL ASKEW, OF GEORGIA, LAVEEDA MORGAN BATTLE, OF ALABAMA, JOHN G. BROOKS, OF MASSACHUSETTS, NANCY HARDIN ROGERS, OF OHIO, DOUGLAS S. EAKELEY, OF NEW JERSEY, F. WILLIAM McALPIN, OF MISSOURI, MARIA LOUISA MERCADO, OF TEXAS, THOMAS F. SMEGAL, JR., OF CALIFORNIA, JOHN T. BRODERICK, JR., OF NEW HAMPSHIRE, EDNA FAIRBANKS-WILLIAMS, OF VERMONT, AND ERNESTINE P. WATLINGTON, OF PENNSYLVANIA TO BE MEMBERS OF THE BOARD OF DIRECTORS

SEPTEMBER 24, 1993

Printed for the use of the Committee on Labor and Human Resources



U.S. GOVERNMENT PRINTING OFFICE

76-165 CC

WASHINGTON : 1994

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-045865-X

COMMITTEE ON LABOR AND HUMAN RESOURCES

EDWARD M. KENNEDY, *Massachusetts, Chairman*

CLAIBORNE PELL, *Rhode Island*
HOWARD M. METZENBAUM, *Ohio*
CHRISTOPHER J. DODD, *Connecticut*
PAUL SIMON, *Illinois*
TOM HARKIN, *Iowa*
BARBARA A. MIKULSKI, *Maryland*
JEFF BINGAMAN, *New Mexico*
PAUL D. WELLSTONE, *Minnesota*
HARRIS WOFFORD, *Pennsylvania*

NANCY LANDON KASSEBAUM, *Kansas*
JAMES M. JEFFORDS, *Vermont*
DAN COATS, *Indiana*
JUDD GREGG, *New Hampshire*
STROM THURMOND, *South Carolina*
ORRIN G. HATCH, *Utah*
DAVE DURENBERGER, *Minnesota*

NICK LITTLEFIELD, *Staff Director and Chief Counsel*
SUSAN K. HATTAN, *Minority Staff Director*

(II)

NOMINATION

FRIDAY, SEPTEMBER 24, 1993

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 10:07 a.m., in room SD-430, Dirksen Senate Office Building, Senator Edward M. Kennedy (chairman of the committee) presiding.

Present: Senators Kennedy, Simon, Kassebaum, and Gregg.

OPENING STATEMENT OF SENATOR KENNEDY

The CHAIRMAN. We will come to order.

This is a day that many of us have been looking forward to for a long period of time, and I will just make a very brief opening comment and invite my colleagues to make what brief comments they would like to make, recognize our friends and former colleague, and then we will move ahead to the business of our hearing this morning for the hearing on our very outstanding and distinguished group of nominees.

Inscribed above the entrance to the U.S. Supreme Court is the Nation's constitutional ideal, "Equal Justice Under Law". But those majestic words are an empty promise to millions of Americans too poor to afford a lawyer to protect their legal rights.

A right without a remedy is not a right at all. Without counsel, those who live in poverty are often powerless against the injustices they suffer. Congress passed the Legal Services Corporation Act in 1974 to meet that challenge. We established an independent corporation to give Federal assistance to State and local programs providing legal services to the poor and to do so in a manner free from the pressure of partisan politics.

But in 1981, shortly after President Reagan took office, the Corporation became bogged down in controversy. The new administration proposed to abolish the Corporation. Congress resisted that extreme proposal, but the Corporation was forced to accept a 25 percent cut in funds.

Those cuts have persisted. After adjusting for inflation, Federal funding for legal services today is an unconscionable 40 percent less than it was in 1981. State and local governments and private bar initiatives have struggled to fill this gap, but millions of poor persons are denied access to legal services they need in order to protect their most basic rights.

In Massachusetts, one study estimated that legal service programs are able to meet only 15 percent of the legal needs of the poor. This pattern is repeated throughout the Nation. The number

of attorneys providing legal services for poor persons is one-third lower than in 1980.

In addition to these drastic budget cuts, the Corporation itself displayed hostility to the very legal services it was intended to support. In the guise of monitoring the expenditure of Federal funds, Corporation staff members harassed overburdened local programs with excessive paperwork and auditing. The Corporation proposed a series of regulations restricting local programs far in excess of what Congress ever intended.

Fortunately, during the Bush administration, the Corporation adopted a kinder and gentler face. It retreated from some of the most destructive policies of its predecessor.

In particular, I want to take this opportunity to commend the current Chairman, George Wittgraf, for the constructive approach he took to this important program.

The 11 distinguished men and women before us today have been nominated by President Clinton to serve on the Board of Directors of the Corporation. They come from diverse backgrounds and regions of the country, but they share a demonstrated commitment to the Corporation's mission of ensuring that Americans in poverty are not denied access to high-quality legal services to protect their basic rights.

The challenges facing the new Board are difficult. Tight budget constraints are unlikely to restore 1980 funding levels in the foreseeable future. There is too much ground to make up quickly. State governments, which provide significant funds for legal service programs, are themselves feeling the crunch.

Funds are important, but so is attitude. I am hopeful that the new and committed Board will do more with less funds and strengthen the call to the private bar to help as well.

Membership in the bar has privileges and responsibilities. Lawyers have a special obligation to give their time and talent to their communities by providing pro bono legal services for indigent clients.

The Board faces other important challenges. The Legal Services Corporation Act itself has not been reauthorized since 1977, and major limitations on Corporation activities have been legislated in the annual appropriations bills. Indeed, the 1993 appropriations act contained over 20 different provisions regulating and restricting the Corporation, and these provisions will, in all likelihood, recur in the 1994 bill until Congress sees the direction of the new Board.

The new Board will also play an important role in shaping the reauthorization legislation and bringing a fairer and more balanced approach to these contentious issues. We must work together to restore good relations between the Corporation and Congress and between the Corporation and the local legal service programs across the country.

I have every confidence that the new Board will meet these challenges. I commend President Clinton for selecting these distinguished nominees and I look forward to their testimony.

Senator Kassebaum.

OPENING STATEMENT OF SENATOR KASSEBAUM

Senator KASSEBAUM. Thank you, Mr. Chairman.

First, I would just like to say it is the first time since I have been on the Labor Committee, I believe, that all 11 nominees to the Legal Services Corporation have been together for a nomination hearing.

Since its inception, the Legal Services Corporation, as everyone knows, has had its share of controversy. Throughout this controversy, I have supported the Legal Services Corporation because I believe in its mission, the role that it plays in filling a gap in our communities and the link it provides to legal services that I believe is important.

This being said, the Congress must maintain strong oversight to ensure that the Legal Services Corporation discharges its responsibilities in an effective and nonpartisan fashion. Our committee soon will be reauthorizing the LSC, and this reauthorization will provide us an opportunity to address the many issues surrounding the LSC in the past and to ensure that its future is well focused on quality legal representation.

Mr. Chairman, not to sound too parochial, I am particularly pleased that one of the nominees, Nancy Hardin Rogers, is a graduate of the University of Kansas, so I have great confidence in the quality of her representation on the Corporation.

The CHAIRMAN. We will excuse that.

Senator Simon.

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON. Thank you, Mr. Chairman.

I am not going to be able to stay for the hearing but I just wanted to make a comment or two, first to welcome our former colleague, Warren Rudman, and to comment that I appreciate the work that he and Paul Tsongas and Pete Peterson are doing with the Concord Coalition.

Senator Kassebaum mentioned Nancy Rogers. I think we should note that Nancy Rogers' father-in-law is here, the former Secretary of State, and we are honored to have you with us, Mr. Secretary, and an old friend, John Broderick, who will serve with distinction, as I know at least two people here know him and will vouch for that.

More specifically, I came over from the other meeting because we had an experience in Chicago where Legal Services pulled their offices out of the Pilson area, which is the large hispanic area in Chicago, and moved the offices downtown. We finally worked out a compromise that, frankly, I don't find very satisfying, where we have one-and-a-half lawyers now in the Pilson office and the overflow goes downtown. For a lot of these people, that trip downtown is just an impossible thing.

I understand why the Pilson office isn't an attractive area for lawyers to go into, but our aim is not to serve the lawyers but to serve the clients who need help. My hope is that we can get something worked out in that area.

I think it is probably a problem elsewhere also. I just assume if we have the problem in Chicago, you have the problem elsewhere. I think we ought to locate those offices where the people are who need help. Frequently those trips to the center, whether it is down-

town Chicago or wherever it is, become an almost impossible thing for a lot of the people who really need help.

We have a distinguished group of nominees. I regret I can't stay here to listen to them, but I commend the President on the nominees and I wish them all the best in a very important function.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Gregg.

OPENING STATEMENT OF SENATOR GREGG

Senator GREGG. Thank you, Mr. Chairman.

It is a pleasure to be here today. Not only do we have all 11 nominees but we have all three Senators from New Hampshire. [Laughter.]

Senator GREGG. Most people still consider Warren to be Senator, he did such a superb job for 12 years for us.

Obviously, I think it is wonderful that a member of the New Hampshire legal community, who has been one of the leaders in the New Hampshire legal community for many years, is being nominated to this board to succeed another leader in the New Hampshire Legal Community, Tom Rath, who served very well on this Board. I know that John Broderick is going to bring a lot of strength and ability to the Board and we are excited that New Hampshire will be represented, but John Broderick is someone who will represent the country also.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

We will look forward to having a presentation from our colleagues, but I, too, want to join, as my colleagues have, in recognizing the former Secretary of State, who had a distinguished career of public service. It is obviously something which has been a part of a very strong family tradition.

Mr. Secretary, we want to tell you how much we appreciate your presence here and all the good work that you have done for our country.

Senator Heflin, we would be glad to hear from you, Judge Heflin.

STATEMENT OF HON. HOWELL HEFLIN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator HEFLIN. Thank you, Mr. Chairman.

I am pleased to introduce LaVeeda Morgan Battle, who is here, if you would stand so they can see you. She is a partner of the law firm of Gorham and Waldrop in Birmingham, AL, and who has been nominated by the President on the Board of the Legal Services Corporation.

She began her career practicing law with the Birmingham Area Legal Service Program, where she served as a staff attorney and a managing attorney of a branch office in Bessemer, AL. Thereafter, she joined the Federal Government as an administrative judge with the United States Equal Employment Opportunity Commission.

She has served as a State assistant attorney general as well as an attorney advisor to the Alabama Public Service Commission, which is the regulatory agency of Alabama pertaining to utilities.

Ms. Battle was also appointed as director and general counsel to the public staff of the utility consumer protection.

Subsequently, she entered the private practice of law in Montgomery, where she devoted a portion of her time to pro bono work. She is a past president of the Alabama Lawyers Association and a present member of the Children's Trust Fund Advisory Committee as well as other civic boards in the Birmingham area.

I am happy to support the President's nomination of Ms. Battle to the Board of Directors of the Legal Services Corporation. We have three very vital legal service programs in our State and welcome the opportunity to have someone with a history of our programs on the Board.

I also would like to ask be entered into the record a copy of a resolution from the Board of Commissioners of the Alabama State Bar Association expressing its support for Ms. Battle's nomination.

[The Alabama State Bar Association resolution follows:]

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
 HOWARD M. METZGER, OHIO
 DENNIS RITCHIE, ARIZONA
 PATRICK J. Leahy, VERMONT
 HOWELL HEPFIN, ALABAMA
 PAUL SIMON, ILLINOIS
 HERBERT KOHL, WISCONSIN
 DIANNE FEINSTEIN, CALIFORNIA
 CAROL MOSTLEY BRAIN, ILLINOIS

OPPIN G. HATCH, UTAH
 SINDA HIRSHMAN, SOUTH CAROLINA
 ALAN C. CRIPPS, WYOMING
 CHARLES E. CRASSLEY, IOWA
 ARLEN SPECTER, PENNSYLVANIA
 MARK ANDERSON, COLORADO
 WILLIAM S. COHEN, MAINE
 LARRY PRESSLER, SOUTH DAKOTA

CYNTHIA C. MCNEIL, CHIEF COUNSEL
 CATHERINE M. BUSTILL, STAFF DIRECTOR
 MARK A. DYER, MINORITY STAFF DIRECTOR
 SHARON PROST, MINORITY CHIEF COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY
 WASHINGTON, DC 20510-8275

September 23, 1993

Honorable Edward Kennedy
 Chairman
 Labor and Human Resources
 428 Senate Dirksen Office Building
 Washington, D.C. 20510

Dear Senator Kennedy:

I am pleased to write you regarding LaVeeda Morgan Battle, a partner in the law firm of Gorham & Waldrep in Birmingham, Alabama, who has been nominated by President Clinton to be on the Legal Services Board of Directors.

Mrs. Battle began her career practicing law in Alabama with the Birmingham Area Legal Services Program, where she served as a staff attorney and managing attorney of a branch office in Bessemer, Alabama. Thereafter, she joined the federal government as an Administrative Judge with the United States Equal Employment Opportunity Commission; and she has served as a State Assistant Attorney General, as well as an attorney/advisor to the Alabama Public Service Commission.

Mrs. Battle was appointed by Governor Wallace as Director and General Counsel to the Public Staff for Utility Consumer Protection. Subsequently, she entered the private practice of law in Montgomery, Alabama where she devoted a portion of her time to pro bono work. She is a past President of the Alabama Lawyers Association, and a present member of the Children's Trust Fund Advisory Committee, as well as other civic boards in the Birmingham area.

I am happy to support the President's nomination of Mrs. Battle to the Board of Directors of the Legal Services Corporation. We have three very vital legal services programs in our state and welcome the opportunity to have someone with a history of our programs on this board. I am enclosing a copy of a resolution from the Alabama State Bar Association expressing its support for Mrs. Battle's nomination.

Sincerely,


 Howell Heflin

HII/rsw
 Enclosure



ALABAMA STATE BAR

TELEPHONE 205-269-1815
415 DEXTER AVENUE
P.O. BOX 871
MONTGOMERY, ALABAMA 36101

September 21, 1993

Ms. Laveeda Morgan Battle
Gorham, Waldrep
2101 6th Avenue North, Suite 700
Birmingham, AL 35203

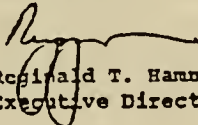
Dear Laveeda:

Friday, September 17, was a double day for you at the Board of Commissioners meeting. The board elected you as a director of the Capital Representation Resource Center and we are indeed pleased that you will accept this position.

Secondly, the board has adopted a resolution, a copy of which is enclosed, commending your nomination to the Legal Services Board of Directors. I will be sending a copy of this resolution to Senators Heflin and Shelby.

Thank you for your commitment to serving your profession. You make us all very proud.

Sincerely,


Reginald T. Hamner CAE
Executive Director

RTH/nb

Encl.

RESOLUTION

WHEREAS, Laveeda Morgan Battle, a partner in the Birmingham law firm of Gorham and Waldrep, P.C., was admitted to the Alabama State Bar in 1979; and

WHEREAS, Ms. Battle is recognized by her colleagues to be a skilled advocate whose demeanor and temperament represent the highest notions of civility and professionalism; and

WHEREAS, prior to entering the private practice of law, Ms. Battle practiced actively in the public sector serving as the managing attorney of the Birmingham Area Legal Services Corporation, as Administrative Judge for

the U.S. Equal Employment Opportunity Commission, as an Assistant Attorney General for the State of Alabama, as trial attorney with the Alabama Public Service Commission and as head of Governor George Wallace's Public Staff for Utility Consumer Protection; and

WHEREAS, Ms. Battle has given unselfishly of her time to further the legal profession by her service as President of the Alabama Lawyers Association, as current vice-chair of the Alabama State Bar Law Office Practice and Technology Committee and as a current member of the Alabama State Bar's Alabama First Task Force; and

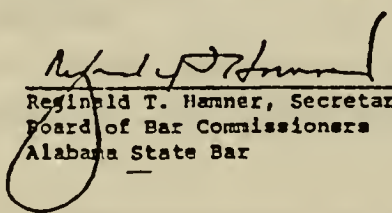
WHEREAS, Ms. Battle's dedication to public service is reflected in her past service to Habitat for Humanity and her willingness to be nominated to serve on the Board of Directors of the Alabama Capital Representation Resource Center, a nomination which this body has approved; and

WHEREAS, on August 6, 1993, President Clinton nominated Ms. Battle as one of eleven persons for Senate confirmation as a Director of the Legal Services Corporation, the federal program which funds legal services for the poor;

NOW, THEREFORE BE IT RESOLVED, that in view of Ms. Battle's outstanding record of service to the public and to the legal profession, the Board of Commissioners of the Alabama State Bar fully supports her nomination as Director of the Legal Services Corporation and encourages the United States Senate to confirm her nomination.

BE IT FURTHER RESOLVED, that a copy of this resolution expressing the Board of Commissioners' support of Ms. Battle's nomination be transmitted to the Honorable Howell T. Heflin and the Honorable Richard C. Shelby and the Committee on Labor and Human Resources of the United States Senate.

Done this the 17th day of September, 1993 at Montgomery, Alabama.


 Reginald T. Hamner, Secretary
 Board of Bar Commissioners
 Alabama State Bar

The CHAIRMAN. Very fine. Ms. Battle, we look forward to hearing from you and we thank our friend and colleague, Senator Heflin, for his taking the time and joining with us and making the presentation.

Senator Smith, we are glad to have you here this morning and look forward to your comments.

STATEMENT OF HON. BOB SMITH, A U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator SMITH. Thank you very much, Mr. Chairman.

If you wish to have any resolutions for any assistance to New Hampshire, we would be glad to vote on that. [Laughter.]

Senator SMITH. Mr. Chairman and Senator Kassebaum, Senator Gregg, and the rest of the committee, I would ask unanimous consent to have a statement entered into the record on behalf of Mr. Broderick.

The CHAIRMAN. It will printed as if read.

Senator SMITH. It is a privilege, really, and a pleasure for me to be here this morning in support of the nomination of John Broderick. I think the President has made an excellent choice.

I would say quite honestly, and I think my colleagues would agree, that if the President had asked me, which he did not, but had he said, pick a Democrat for this position, any Democrat you want in the State of New Hampshire, I would have picked John Broderick, and I mean that very sincerely.

I have known him for some eight to 10 years. His qualifications are many, and they are part of the record. He has great respect throughout the State, from friend and foe alike. He brings, I think, a unique quality to the Legal Services Board in the sense that I don't think he brings a political agenda, I think he brings a humanitarian agenda, an agenda to help people with legal help that they truly need. I think that is an excellent quality.

I would just conclude, Mr. Chairman, by saying that John Broderick is well liked, he is well respected, and he is well qualified for this position. The President made an excellent choice, and I am pleased and proud to be here in support of his nomination.

[The prepared statement of Senator Smith follows:]

PREPARED STATEMENT OF SENATOR SMITH

Thank you, Mr. Chairman, Senators Simon, Kassebaum, Gregg, and members of the committee for giving me the opportunity this morning to introduce one of the most distinguished lawyers in my State of New Hampshire, John Broderick, to the committee.

I am very pleased that President Clinton has chosen such a well-qualified lawyer from New Hampshire to serve the Nation as a member of the board of directors of the Legal Services Corporation.

I have known Mr. Broderick for 8 years.

Mr. Broderick is a senior partner in the Manchester, NH, law firm of Broderick & Dean. He specializes in civil trial practice.

He is a former law partner of New Hampshire Governor Stephen Merrill.

Mr. Broderick is a former president of the New Hampshire Bar Association, a former president of the new Hampshire Trial Lawyers Association, and a current member of the board of directors of the American Judicature Society.

Mr. Broderick is a 1972 graduate of the University of Virginia School of Law and a 1969 magna cum laude graduate of the College of the Holy Cross.

I am pleased to recommend the committee's favorable consideration of President Clinton's nomination of John Broderick to the Legal Services Corporation Board of Directors.

Once Mr. Broderick is confirmed by the Senate, I do not believe that he will be going on the Legal Services Corporation Board of Directors with a political agenda. Rather, I am convinced that he is dedicated to making sure that the corporation adheres to its fundamental mission, which is to make basic legal services available to those persons who could not otherwise afford them.

I urge the committee to act quickly in sending Mr. Broderick's nomination to the Senate floor with a recommendation that he should be confirmed.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Smith. We are delighted to have your words of commendation and introduction.

We are particularly pleased as well to see an old friend, Warren Rudman, and I can say that no member of the Senate or House of Representatives over a very difficult period of some 12 years fought harder in the Congress of the United States than Warren Rudman to give assurances for poor people in this country to have adequate counsel at the bar. He was a tireless, fearless, courageous member of this body who really fought the good fight and made an enormous difference in that struggle for legal counsel.

We welcome his continued interest in this program. He has been a good friend to all of us here and we continue to admire his strong work in attempting to help provide some light to the country in dealing with its very challenging economic difficulties.

Warren, we are glad to have you back.

STATEMENT OF HON. WARREN B. RUDMAN, A FORMER U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator RUDMAN. Mr. Chairman, thank you for those very gracious words.

Let me say that of probably all the things I was privileged to participate in in the Senate, in retrospect, after you leave here, you look back at what you did, and I think in terms of legal services, in many ways I think that probably has given me the greatest amount of personal satisfaction because of the fact that so many poor people have benefited by what this Corporation has done and what those of us who worked on behalf of it in the Congress were able to preserve.

Mr. Chairman, Senator Kassebaum, my good friend Judd Gregg, it is unique to have the three of us in the same Senate hearing room. It probably won't happen again but it is a pleasure to be here.

I was asked by the White House to introduce President Clinton's nominees to this Board, and knowing a number of them personally and having reviewed the qualifications of the remainder and feeling as deeply as I do about the issue, I was honored that they would ask me to do that and I am honored to appear before this committee and so many of my great friends.

The Legal Services Corporation exists for a very noble and, in our society, a necessary purpose, to ensure that the neediest families and individuals in this country have access to a basic level of legal services. The phrase "Equal Justice Under Law" which the Chairman referred to, engraved on the U.S. Supreme Court building two blocks from here, is one of the sources of strength upon which this Nation is built, yet that phrase has no meaning for a person who cannot obtain the assistance necessary to get inside a courtroom.

We want and we expect all Americans to solve their disputes through peaceful and legal means, but whether we are dealing with a landlord-tenant dispute, a family conflict, or the myriad of problems that individuals too often must face in their daily lives, peaceful and legal resolution is impossible without legal help.

This is what legal services programs funded by the Corporation do throughout the country. Notwithstanding the controversy that sometimes surrounds a particular case, the vast majority of legal assistance funding through the Federal legal services program involves family matters such as divorce, child custody, housing, consumer disputes and other bread-and-butter kinds of cases. These cases garner little attention, but they are of critical importance to the individuals involved.

I recognize that there have been periods when the Federal legal services program has been controversial. Much of the criticism has been unjustified. When migrant workers and other poor individuals assert their legal rights, they can offend and have offended powerful interests in society. That does not mean there is something wrong with the program, it means that it is doing its job.

On the other hand, there was some concern a number of years ago that the chairman will remember, that the program was moving away from what Congress had originally intended, that it was deemphasizing basic day-to-day legal services in favor of lobbying and what in some circles has been called social reform litigation.

Congress addressed those concerns more than a decade ago with a series of legislative provisions which placed controls on lobbying, established a process before class action suits could be brought against units of government, increased the private bar's involvement and supervision of the program, required that potential fee-generating cases be referred to private attorneys, and so forth.

These reforms have worked. In fact, I cannot recall a single legitimate criticism regarding alleged political activism or social engineering that has emerged during the last decade.

Turning now to the nominees appearing today, I will say that I was truly impressed with the backgrounds and experience of the individuals nominated by the President. Each of the nominees has had experience with legal services, many of them devoting considerable time and energy to making the Corporation or their local program a more effective and efficient deliverer of services to the poor.

I would like to say a couple of words about the nominees I personally know the best. John Broderick is one of the leading attorneys in New Hampshire and the former president of the State bar. I would note that the State bar operates one of the most successful pro bono programs in the United States.

A leader in the New Hampshire Democratic party, his law partner, a republican, was Steve Merrill, until elected governor last November.

I have known John for many years and know that he will devote time, effort, and his intellect and will be a superb member of this Board.

I met Tom Smegal when President Reagan appointed him to the Legal Services Board. In the mid-1980s, he probably worked harder for no pay than anyone else in the country to maintain a strong

and viable Federal legal services program. I admire him. His contribution has been critical in keeping the program alive and in the shape it is in today.

Bill McAlpin has also devoted considerable talent and energy on helping the poor obtain legal services since before the Federal program even existed. He served as the Corporation's chairman under President Carter, and until recently was president of the National Legal Aid and Defenders Association.

Incidentally, both Tom and Bill are active Republicans and are living proof that this is a program with broad bipartisan support. I would note that from 1983 on, each Senate vote on legal services was a bipartisan affair with a majority of each party voting the same way. That is a record I hope will continue.

Bucky Askew spent 20 years in public service, working for the Legal Services Corporation and its predecessor. In 1983, he joined NLADA, until leaving Washington 3 years ago to work for the Georgia U.S. Supreme Court as director of bar admissions and executive director of the Chief Justice's Commission on Professionalism. Bucky knows as much about the legal services program as anyone in this country and is highly qualified for the position.

A review of the record of the other nominees clearly establishes that they are all eminently qualified for the Board, and I believe they should be expeditiously confirmed by the Senate. They have talent, experience, and perspective.

They will not only ensure that the legal services program will be run in accordance with Federal laws and LSC regulations, but they have the knowledge that enables them to assist programs to run more efficiently and effectively. They can work with programs as well as oversee them, and in a period which will be marked, as the chairman noted, by continued tight budgets and insufficient funding, that is of critical importance.

Finally, Mr. Chairman, members of the committee, in closing, I also would like to say something about George Wittgraf, the outgoing chairman of the Board. As some of you know, George is one of the earliest supporters of President Bush and ran his Iowa campaigns in both 1980 and 1988. In 1989, he could have had practically any job in Washington that he wanted, but what he asked for was the opportunity to serve on the Legal Services Board.

As its chairman, I believe he has done an exceptional job over the last 4 years under sometimes difficult circumstances. What he did is public service at its best, and I would like to commend him for all of his work as he prepares to leave office.

Mr. Chairman, it is a privilege to appear before this committee. The CHAIRMAN. Thank you, Senator Rudman.

I notice that Mr. Broderick was both born in Massachusetts and went to Wakefield High School and attended the University of Virginia Law School, but he has had a remarkable career. I was looking through and saw that he was an assistant attorney general in Massachusetts for a period of time and he was co-chair of the "Biden for President" campaign. He was co-chair of the "Clinton for President" campaign, and he is co-chair and president of the New Hampshire chapter of the Democratic Leadership Council, so he has covered a lot of ground. [Laughter.]

Senator RUDMAN. He has also, Mr. Chairman, been a great friend of mine. [Laughter.]

The CHAIRMAN. We will have a chance to visit with him shortly.

We thank you so much for being here and we hope that you will keep in touch with us on legal service issues and on other matters as well. We are very, very delighted to have a chance to catch up with you again.

I will plan to proceed in this way, and that is to introduce the various nominees. As I introduce them, I would appreciate it if they would be good enough to come forward.

Hulett Askew has devoted much of his career in providing legal services for poor persons. Following a stint as the regional director of the Legal Services Corporation in Atlanta, he worked here in Washington as deputy director from 1978 to 1982 and director from 1982 to 1983 of the Corporation's Office of Field Services.

A graduate of the University of North Carolina and Emory University Law School, he is currently executive director of the Georgia U.S. U.S. Supreme Court's Chief Justice's Commission on Professionalism and director of the Office of Bar Admissions for the State of Georgia.

We want to welcome you, Mr. Askew. We are pleased to have you before the committee. You have many friends who have been in touch with our office. I received a letter from Senator Coverdell of Georgia, which I will include in the record at this point.

[The letter from Senator Coverdell was not received at press time; if received, it will be retained in the files of the committee.]

The CHAIRMAN. I am wondering if you might just tell us briefly about your responsibilities as the executive director of the Georgia U.S. U.S. Supreme Court's Chief Justice's Commission on Professionalism and how you might bring your experience to bear on the LSC's Board in assuring legal service lawyers meet the high standards of professionalism in serving their clients.

STATEMENT OF HULETT H. ASKEW, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Mr. ASKEW. Thank you, Senator. I would be happy to.

In your opening remarks, you spoke about the privileges and responsibilities that members of the bar have because of their admission to the bar, and that is what the Commission on Professionalism is attempting to address. It is a joint effort by the judiciary, the bar leadership, the law schools, the practicing bar, and the public in Georgia to confront what we have come to see as the perceived decline in professionalism within the bar.

The Commission was created in 1989 by the U.S. U.S. Supreme Court under the leadership of our Chief Justice and has been very active for the last 4 years or so, developing programs, encouraging lawyers to view their responsibilities and their membership in the bar as a calling in the spirit of public service.

What professionalism is meant to address, as opposed to ethics, is we view ethics and the court views ethics as the minimal rules that lawyers are required to comply with. Professionalism is standards that lawyers ought to comply with. It addresses issues of competence, issues of ethics, both in the code sense and in the broader

philosophical sense, the duties of a lawyer as an officer of the court, and the responsibilities of all lawyers to engage in public service.

That is what we are encouraging the bar and the judiciary in Georgia to be more conscious of and to address. Our Chief Justice has said, and I have heard it said several times already about the inscription over the U.S. Supreme Court, "Equal Justice Under Law", that justice that is not equal is no justice at all, and that is what this effort is about.

Jack Curtain, who I know is a friend of yours, has said that legal services lawyers are the pride of this profession. I think they have come to represent a standard in our State of dedicated service, commitment to serving the community, commitment to serving the profession, and that is something that we are working on in our State.

The CHAIRMAN. I am going to be seeing Jack on Monday morning and I will mention your comments about him.

LaVeeda Morgan Battle, after graduating from law school at the University of California at Davis, Ms. Battle served as a Reginald Huber Smith Legal Services Fellow and as managing attorney of the Birmingham area legal service program. She has also served as an assistant attorney general in Alabama, as counsel to the governor in 1986. She is a graduate of Howard University and currently a partner in the Birmingham, AL firm of Gorham Waldrop.

Let me ask you, as a former managing attorney of the legal services program, what do you think the corporation can do to improve its relationships with the local programs?

STATEMENT OF LA VEEDA MORGAN BATTLE, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Ms. BATTLE. The local programs at present are really suffering from having substantial cutbacks, and a lot of the attorneys that really had a very deep commitment, as I did, to legal services at that time just really were not able to economically afford to continue to work with the programs. In addition to that, the programs have had to sustain a cutback, particularly in Alabama, in the number of attorneys that are working with the program.

So the funding crisis is really one of the strongest things that has had an impact in Alabama.

I think what has assisted those attorneys that have continued with the program, and I have talked with the directors of the programs in Alabama, is the fact that we do have a consortium that provides some backup support so that those attorneys that are out in the field doing the work do have some access to support that assists them in being able to deliver those services to the poor.

I really think that, as has already been pointed out by yourself, Senator, and by others, the funding crisis is one of the major things that we are going to have to address.

The CHAIRMAN. Does Alabama provide funding for the legal service program?

Ms. BATTLE. In Alabama, the State bar now has IOLTA funds that they have made available to the legal services program and they also do get some United Way funds.

The CHAIRMAN. Mr. Broderick, John Broderick, is a partner of the law firm Broderick and Dean in Manchester, NH, a graduate

of Holy Cross, the University of Virginia Law School, a member of the Board of Directors of the American Judicature Society, and past president of the New Hampshire Bar Association. You have been well introduced here this morning.

**STATEMENT OF JOHN T. BRODERICK, NOMINEE TO THE
LEGAL SERVICES CORPORATION BOARD**

Mr. BRODERICK. I wish it were true, Senator. [Laughter.]

The CHAIRMAN. Let me ask you what your own sense is that the Corporation can do to increase the private bar involvement in providing legal services.

Mr. BRODERICK. I think there are a number of things, Senator, to be done. I think the first thing that should be done is a reaffirmation of the purpose of this Corporation through the legislation that is currently pending. As the Senator pointed out, this Corporation was authorized in 1977. I think the United States of America has to send a signal to the private bar that what this Corporation does is important to all of us, and so I would encourage that to happen.

I think there needs to be, over the long-term, an increase in funding, and I realize and recognize that will take time, and I think relationships between this Corporation and this Congress have to be strengthened and enlightened, and that will take time.

The private bar, I think, needs to continue its involvement, and under regulation of this Corporation, approximately 12 percent of the funding goes to the private bar to bring them into the process and to sensitize them, as I have been sensitized, to the needs of the poor in this country.

The private bar, Senator, has done a remarkable job over the last several years through its IOLTA program, which because of a down economy is also suffering. But I think what needs to happen from the highest levels of government, as I think President Clinton has made clear and as I hope this Congress makes clear, the Legal Services Corporation is something that should be championed and supported and recognized for the very valuable work that it does. I think if that were to happen, the involvement of the private bar would increase.

The CHAIRMAN. I suppose one of the factors, since the interest rates have been low, the corresponding amounts have been low as well. I imagine that is a factor.

Mr. BRODERICK. It has been a factor, Senator, on both levels in my own State. The IOLTA program at one time, at the high-water mark, and we are a small State, was providing \$700,000 or \$800,000 annually to our legal services. That has gone down by several hundred thousand dollars because our economy has been hemorrhaging, and I think that trend is true around the country. Hopefully, that will improve.

But I think that recently, the Attorney General of the United States and you, Senator, in Boston a few weeks ago, spoke out eloquently and strongly about equal access to justice in this country. The President obviously feels that way, and I think if this corporation were reauthorized in an appropriate fashion, that would be a very significant contribution.

The CHAIRMAN. John Brooks demonstrated a lifelong commitment to providing legal services to poor persons in our good Commonwealth of Massachusetts. A past president of the Boston Bar Association, National Legal Aid and Defenders Association, Mr. Brooks has been the director of the Greater Boston Legal Services for the past 38 years. He is also a director of the National Consumer Law Center.

In 1985, Mr. Brooks received the pro bono Publico Award from the American Bar Association. In 1988, the Boston Bar Association established the John Brooks Award in his honor for the outstanding employee of Greater Boston Legal Services.

A graduate of Harvard College, Harvard Law School, Mr. Brooks is currently of counsel to the Boston Law firm of Peabody and Arnold, where he has practiced law for the past 56 years.

We are delighted to have you. You have had an outstanding, well-deserved reputation in Massachusetts, all the excellent work you have done on behalf of legal service. Massachusetts has been a national leader in generating local support for the legal services.

What lessons do you think, from your own experience, you bring to bear on the Legal Services Corporation Board?

STATEMENT OF JOHN G. BROOKS, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Mr. BROOKS. I think my experience has been both as a board member of the legal services organizations, both locally and nationally, and through the bar association, and I have been intimately involved with the Boston Bar Association in various capacities, including the presidency and more recently on committees and projects which are devoted toward providing legal services for the poor on one hand and stimulating the involvement of the private bar on the other hand, all for the same objective.

I think the Boston experience has taught me a lot as to how the private bar can be more effectively involved. Until we can do better in Boston, I think there are a lot of things that we have been able to do there that can be replicated elsewhere in the country. In fact, a good many of them have been already.

I agree with John Broderick and you, Senator, that involvement of the private bar is vital. I do think, however, that it has limitations, that it cannot be expected to do the whole job or even fill in the gap that is now left by the Federal financing and all other sources of money. We are trying hard and I think it can be improved in many cases in the country, and I think it is essential that it be improved and increased.

The CHAIRMAN. How do we do in the other cities in Massachusetts? Is the bar active in other communities, out of Worcester and Springfield?

Mr. BROOKS. I think Worcester has come a long way. As you probably know, they were quite resistant to the Federal program for a considerable time, and I think they have come around and are very supportive. Other segments of the State, I think, are doing really quite well, including the Massachusetts bar, which, I think like so many other State bars around the country, was a little reluctant to see this new breed of lawyers coming in that looked as if they were interfering with their turf. But I think the Massachu-

setts bar is wholly supportive now and that makes a lot of difference elsewhere in the State.

The CHAIRMAN. Douglas Eakeley brings to the Corporation Board a broad range of experience and a lifelong commitment to legal services. Now a partner in the law firm of Ryker Dansig in Morristown, NJ, he previously served as assistant attorney general for the State of New Jersey in 1990-1991. He was a law clerk to Judge Harold Tyler.

He was also chair of the Legal Services of New Jersey, president of the Legal Services Foundation of Essex County, and director of the Legal Aid Society of Manhattan and a trustee of the community law offices of East Harlem. A summa cum laude graduate of Yale College, Mr. Eakeley started at Oxford on a Rhodes scholarship and graduated from Yale Law School.

Let me ask you, have you given some thought to some additional initiatives for the Corporation, some areas that they ought to be in, perhaps that they haven't been involved in?

STATEMENT OF DOUGLAS S. EAKELEY, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Mr. EAKELEY. I think our thinking so far has been how to prepare ourselves to discharge our responsibilities, if confirmed. I think that the first focus will be on coming together as a Board to see what we can do to maximize the effectiveness of the limited amount of Federal dollars now available.

I think that in several areas where we can do better than perhaps we have done recently are in providing assistance, evaluation, peer review that is focused on enabling local programs to do more with those scarce resources, emphasizing and supporting the efforts of the State support and national support centers as well, perhaps trying to communicate more between the Legal Services Corporation, national and State support, and local programs, so that everyone is aware of the successes and models out there that can help us all improve.

And the finally, I think in the longer term I would hope that the Clinton administration would take much better advantage of the skills and experience and insights that legal services lawyers around the country have in being advocates for the poor and especially advocates for children and for the elderly, and to include that experience and insight in their governance.

The CHAIRMAN. That is good. Certainly with regards to the interest of children, I think that is very commendable. There are so many different kinds of needs which they are faced with in these urban areas, and I am sure in rural communities as well. I am not so obviously familiar with them, but there are so many different challenges that they face. To have sensitivity to their concerns, I think, is obviously something which would be enormously constructive.

Edna Fairbanks-Williams, we are very glad to welcome you here this morning. She received the Client of the Year Award from the National Clients Council in the mid-1970s. She is a member of the board of trustees of Vermont Legal Aid and of the Advisory Committee of Legal Service Northeast Regional Training Center. A resident of Randolph, VT, Ms. Fairbanks-Williams has 5 children,

I congratulate you on your appointment. Could you tell us a little bit about how you came to be awarded the Client of the Year?

**STATEMENT OF EDNA FAIRBANKS-WILLIAMS, NOMINEE TO
THE LEGAL SERVICES CORPORATION BOARD**

Ms. FAIRBANKS-WILLIAMS. That was in John Dooley's time as the executive director, and when I came on board, I was really hungry for information. At that time, the lawyers were allowed to go out to the PTA meetings and things like this to answer questions. Since I was really interested in everything that was going on, he allowed me to go to all training committee meetings and things, and since I was so interested as to bring it back to all the communities, that is how I got the Client of the Year Award. It was actually disseminating information.

The CHAIRMAN. How did you really get interested in all of this?

Ms. FAIRBANKS-WILLIAMS. I was working for the OEO as a home school coordinator between the home and the schools for Head Start, and there were so many problems, that is how come I started working with legal aid, to solve the school problems, and I have all through the years since.

The CHAIRMAN. That fits right into what Mr. Eakeley was mentioning before. I am sure you will be able to give some important insights into some of those matters on the service of the Board.

We have William McAlpin, who has been one of the foremost advocates for legal service support throughout his legal career. He was previously a member of the Board of the Legal Services Corporation from 1979 through 1981, serving as its chair in 1980 and 1981. He is the past president of the American Bar Foundation and the National Legal Aid and Defenders Association.

He provided very illuminating testimony before the Labor Committee in June of 1992 in support of the reauthorization of the legal services statute, and we are going to be working on that again. Senator Rudman and I had hoped to have been able to get that through the body at the end of the year, but were unable to do so.

A graduate of St. Louis University and Harvard Law School, Mr. McAlpin is currently a retired partner of the firm of Louis, Rice, Fingerish in St. Louis.

We welcome you back. It is a pleasure to have you here.

**STATEMENT OF WILLIAM F. McALPIN, NOMINEE TO THE
LEGAL SERVICES CORPORATION BOARD**

Mr. McALPIN. Thank you, Senator.

The CHAIRMAN. You were a member of the Corporation Board previously. I don't know whether you have had a chance to give some thought about what changes you would like to see in how the Corporation operates.

Mr. McALPIN. Senator, I have thought about the challenge, but I think that what I really need to do is to get closer to the Corporation, to find out how it is constructed, how it operates. It is, after all, 12 or 13 years since I had a first-hand look at the Corporation and how it operates, and I think that while I am extraordinarily interested in how it operates vis-a-vis the field programs, I don't certainly have any fixed ideas because I don't have any close, recent knowledge.

The CHAIRMAN. Do you get pretty good support from the private bar in St. Louis?

Mr. MCALPIN. Yes. The Legal Services of Eastern Missouri has a volunteer lawyer component, the pro bono component, that has 1,300 lawyers providing pro bono service to a staff program which has 24 lawyers. So it is a very significant and important adjunct for the provision of legal services to indigents in our community.

The CHAIRMAN. Has that been pretty stable over the years? Has it grown a little bit, or has it stayed the same?

Mr. MCALPIN. It has grown substantially over the years. Obviously, there was much less such a component in 1980, and then along came the funding cut in 1981, which required the closing of offices, the reduction of staff, and as a result, the bar at the local level particularly became very concerned and interested and began to volunteer, and then we got an executive director, Rick Titleman, who was particularly—as a matter of fact, interestingly enough, the executive director has been president of the Bar Association of St. Louis and is currently a member of the board of governors and of the executive committee of the Missouri Bar, so that there is a very close tie between the organized bar and legal services in our community.

The CHAIRMAN. Thank you.

Maria Luisa Mercado, a graduate of West Texas State University and Antioch Law School. Maria Luisa Mercado worked for West Texas Legal Services, served as an assistant attorney general of Texas, a member of the Governor's Commission on Women. She is on the board of the Mexican-American Legal Defense and Education Fund, the National Housing Assistance Council, and the United Way of Lubbock. She currently practices law in Lubbock. Prior to attending law school, she served as a program monitor for the Legal Services Corporation.

Ms. Mercado, as a former program monitor for the Corporation, how do you think the Corporation can best assure the local programs deliver the high-quality legal services while complying with the limits set by Congress?

STATEMENT OF MARIA LUISA MERCADO, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Ms. MERCADO. I am not quite sure what the current status of the legal services regulations are as far as monitoring. I know from the programs in Texas and the project directors and the attorneys that work out in the field agree that monitoring should go on of the programs to make sure that there are quality legal services being distributed for people in the most efficient manner.

However, one of the things that has probably been missing has been the ability to have peer review groups that monitor the individuals that understand what type of legal services these lawyers and these paralegals and staff people need to be providing to the community, so that monitoring is, in effect, not only making sure that the few Congressional dollars that are allocated are used wisely, but also that if there are ways in which legal services attorneys and staff can provide better legal services to people, that those recommendations and that support and training is also provided as well.

The CHAIRMAN. Did you know Antonio Hernandez? Did you work with him?

Ms. MERCADO. Yes.

The CHAIRMAN. Good. He, I know, is someone who is a former staffer on the Judiciary Committee and very active in the programs and has testified frequently.

Nancy Rogers is a professor of law and associate dean of Ohio State University School of Law, where she has served on the faculty since 1975. Before that, she was a staff attorney at the Legal Aid Society of Cleveland and a law clerk for a Federal district judge.

Professor Rogers is a nationally-recognized expert on alternative means of dispute resolution, the author of highly-regarded books on the subject. She served as chair of the ABA Standing Committee on Dispute Resolution and the Section on Alternative Dispute Resolution of the American Association of Law Schools.

She is a graduate of the University of Kansas, Yale Law School, a member of the board of directors of the American Arbitration Association, and a fellow of the American Bar Foundation.

I know that Senator Metzenbaum would want me to extend a warm welcome to you, as an active member of this committee and also on the Judiciary.

Professor Rogers, in view of your expertise on alternatives to litigation, I would be interested in hearing how you feel that the Corporation might effectively encourage local programs to use alternative means of dispute resolution to obtain good outcomes for clients.

STATEMENT OF NANCY ROGERS, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Ms. ROGERS. I am impressed with the experience of dispute resolution over the last few years, that it is possible through effective use of that not to replace lawyers but to make lawyers more effective at bringing their clients into the process of negotiation, getting results that suit their needs a bit better, and getting them early enough that they save the costs of discovery and motion practice that happen when settlement occurs on the eve of trial.

So I am impressed.

The question of how to do it, I think, is a more complicated one. Some State bars, like Colorado and Texas, have taken a firm stance that each lawyer ought to be aware of those alternatives and ought to advise clients in every instance, and that might be a way, of course.

I know that there is some debate over whether there should be something more stringent for legal services lawyers. I think that one of the questions is whether legal services lawyers ought to be restricted in a different way than the other lawyers in the State, and that while one might think it is a very good thing to have much more use of dispute resolution, one ought to be hesitant to restrict legal services lawyers in a way that other lawyers aren't restricted.

The CHAIRMAN. Are there many limitations in states in terms of alternative dispute resolutions, or do states encourage it, or what is generally the situation?

Ms. ROGERS. It is in flux, but Colorado, through its supreme court, has taken the position that a lawyer should be knowledgeable about those alternatives and also should advise the client of something short of litigation. In Texas, the lawyers sign a pledge that they will do so. So there is some movement in that direction.

The CHAIRMAN. I am not going to put you on the spot here, but you might take a look at those provisions in the President's health program, alternative dispute resolutions. I would be interested if you had some reaction to them independently.

Ms. ROGERS. I would be glad to do so.

The CHAIRMAN. If you would, that would be certainly helpful to me.

Thomas Smegal brings to this group of nominees a wealth of experience from his prior service as a member of the Board from 1984 through 1990, when he served as one of President Reagan's nominees. He is the past president of the Legal Aid Society of San Francisco, the American Intellectual Property Law Association, the Bar Association of San Francisco. He is a graduate of the Michigan School of Mining and George Washington University Law School. Mr. Smegal is the senior partner in the law firm of Graham, James in San Francisco.

Mr. Smegal, it is rare to find a person who can obtain the support of Presidents as different as Presidents Reagan and Clinton. You did an outstanding job. I am interested in the political skills of this crowd up here. I think we have the right group. [Laughter.]

You did an outstanding job previously as a member of the Board and you are in a good position to tell us how to reduce the controversy and partisanship that surrounded the legal service program.

STATEMENT OF THOMAS F. SMEGAL, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Mr. SMEGAL. Thank you, Senator.

I am reminded, while I was serving on the last Board confirmed by this Senate, Senator Rudman observed in a Senate hearing regarding the Legal Services Corporation that he trusted that Board about as far as he could throw the Capitol, and I want to assure Senator Rudman and this committee that I am confident that he will be able to throw this Board certainly as far as Joe Montana might have been able to throw a pass in 1991 in the Super Bowl. [Laughter.]

The CHAIRMAN. He did pretty well the other night. He is one of my favorites.

Mr. SMEGAL. I am here, I believe, for a second time around, and by the way, when I was here 8 years ago I had the honor of having my daughter with me at that time, and if I could, just as a point of personal privilege, introduce my daughter, Betsy, who is here with me again. She has continued to be supportive of my activities, as you can see.

The CHAIRMAN. We welcome here.

Mr. SMEGAL. I see the Legal Services Corporation as a bipartisan activity, and that is certainly the way I viewed it. Certainly Senator Rudman, a conservative Republican, was the champion of legal services during the terms that I served during President Reagan's



3 9999 05982 557 8

Presidency. I see it as a bipartisan activity. There is certainly nothing political in this activity, and that is why I believe I have been asked to serve again.

The CHAIRMAN. That was certainly true. As I said, there are areas where Senator Rudman and I agree and others that we differ, but he and I worked closely, as did other members, Republicans and Democrats alike, on this committee, and that is certainly what we would hope that both the Corporation and the service would reflect, and I believe it will.

Ernestine Watlington is a member of the Board of Directors of Central Pennsylvania Legal Services, the Pennsylvania State Client Council, the Pennsylvania Legal Service Center, and the National Economic Development and Law Center. She is a member of the board of the Pennsylvania Low-Income Housing Coalition. She testified before the Senate Banking Committee in support of the National Affordable Housing Act of 1990. A resident of Harrisburg, Ms. Watlington has 5 children.

You have served on the board of several legal services organizations. Can you tell us a little bit how you really got started on legal services issues and what you would like to be able to do on the Corporation?

STATEMENT OF ERNESTING WATLINGTON, NOMINEE TO THE LEGAL SERVICES CORPORATION BOARD

Ms. WATLINGTON. I am a product, I guess, of the anti-poverty program of the OEO and as a community organizer in the 1960s and in forming the local legal services program, it became very apparent that most of the problems that my constituents in the community needed help with was legal. If it was housing, government benefits, or whatever, it always had a legal side.

So I was interested in helping to form our legal services program then and have continually worked and served on that board because it helps in the area that you are in the community in the housing, health, or everything that is really needed to serve the low-income community. You really need your legal services attorneys to assist in this.

The CHAIRMAN. What is your sense about the quality of the legal services? I would be interested in your response. I recently interviewed 13 superb individuals in my own State to make a recommendation to the President, and I asked them all about their own experience. Three of them were judges in the Massachusetts Superior Court.

Without any contradiction, every one of them had a really interesting, powerful story, a positive story about the quality of the legal service presentation. I would be interested in what your own experience has been with regard to legal services attorneys.

Ms. WATLINGTON. I have spent, as you can see from my resume, the majority of my time in advocacy with the legal services program, because the quality of the type of service that they do for the clientele is admirable, even with the funds, and we have even been able to do some major—I am very proud of the service that legal services did in Pennsylvania with the Zefley case where now all handicapped children, regardless of income, can now—you have no idea, the kind of help that is in that community unless those cli-

ents who are there every day know those problems and have a part in being able to assist the attorneys in doing their job and doing it best.

The quality of service that legal services attorneys provide to that low-income community, I don't think it can be measured or no one other than those clients can really appreciate what is being done in the community.

The CHAIRMAN. That is a very commendable observation, and I think all of us would hope that would certainly be the case.

Let me just ask whether, in establishing the priorities, I think all of us understand that you have to sort of be familiar with what the Corporation has been involved in and where the Corporation will be going.

I believe Mr. Eakeley mentioned about children. We passed recently, probably 3 years ago, the Americans with Disabilities Act out of this committee, something that we were all very much involved in. That is something which is in the process of being implemented, and obviously, it is important.

I would be interested in any thoughts of the nominees about some of the priorities that you might be thinking about in terms of the Corporation, based upon your own kinds of experience.

I might ask Mr. Brooks or any of the others, knowing what you do, say even in Boston, whether you feel that there are some broad areas, if you had the additional resources, that you would like to get into or be involved with, or even with the resources that you have at the present time.

Mr. BROOKS. Let me say first that I think we are bound by limited resources. That is a given. My other premise is that for the most part, priorities can far better, I believe, be fixed at the local level rather than at the national level.

It may be that in certain circumstances that the Congress will decide, and there are areas where it has already decided, that the Corporation should or should not grant funds. Those really are Congressional decisions which the Board clearly has to comply with.

But in general, I think that the local programs have far more knowledge of what goes on in their communities and can do a far better job in fixing the priorities.

It is very hard to fix a priority or suggest a priority that is better than the existing priorities. In a place like Boston, for instance, it is a matter of balancing the resources against the needs, and every year, as you know, the local programs have to fix their priorities, determine them on the basis of current conditions.

There is a great deal that still needs to be done to fill that gap of 80 percent of the legal needs of the poor that are not covered, but it is very hard to just suggest whether it should be children, whether it should be housing, whether it should be consumer law, or whatever. I think we just ought to let each program work that through in its own best judgment.

The CHAIRMAN. That is certainly the way it has been structured, and I think there is broad support for the continuation of that effort. I suppose you may find some programs that are working very, very effectively in certain communities that might have adapt-

ability in others as well, that they can learn from as well, which is always probably of some value or some use.

I will include in the record the American Bar Association recommendations, which are really very, very complimentary to all the members that have been nominated. That certainly, I think, will be of interest to our colleagues here on the committee.

[The American Bar Association recommendation was not available at press time; if received, it will be retained in the files of the committee.]

The CHAIRMAN. I want to just personally congratulate all of you. We are very, very interested in finding ways that we can be helpful to the Corporation. I have already spoken to our colleague and friend, Senator Hollings, about the markup on the appropriations next week. There are obviously tight budgetary considerations, but we are going to be of whatever help we can on that front.

We will look forward to working with the whole Corporation and with all of you. We intend to have a markup and report the nominees out of our executive session on October 6, unless we have a chance to do that earlier. We are very appreciative of the cooperation we get from the members of our committee. With Jane Alexander, we were able to report her out the same day that she appeared before the committee. I will make a personal effort to try to move this along as quickly as possible, but we will put that on the agenda for that time and try and expedite the consideration of it.

I commend all of you and thank you very much. I look forward to supporting all of the nominations.

We will recess the meeting. Thank you very much.

[Whereupon, at 11:13 a.m., the committee was adjourned.]

